

**City of Selah
Council Minutes**

April 26, 2005

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Jones called the meeting to order at 4:00pm.

B. Roll Call

Members Present: Brian Harris, Jerry Kobes, Keith Larson, Pete McNew, Allen Schmid, Herb Schmidt, Scott Smeback

Members Excused:

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Gary Hanna, Deputy Fire Chief; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Jeff Hagler, Parks & Recreation Director; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Councilman Schmid led the Pledge of Allegiance. Father Ron Patnode led the group in prayer.

D. Agenda Changes

Mayor Jones read the Agenda Changes - postponing M-1 and N-1 to May 10, 2005, removing M-7 and adding M-2, M-5 and M-6 to the Consent Agenda

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral

2. Written

a. Letter from Ricardo Garcia, Executive Director Northwest Communities Education Center, Granger, WA

b. Letter from Jon Mulvenon, Central Region Senior Director Cascade Natural Gas

Mayor Jones reviewed Written Correspondence.

H. Proclamations/Announcements

1. National Day of Prayer – May 5, 2005

Mayor Jones moved to the Proclamation of National Day of Prayer. He read the Proclamation setting May 5, 2005 as the National Day of Prayer in the City of Selah.

I. Consent Agenda

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

- * 1. Approval of Minutes: Council Meeting April 12, 2005
- * 2. Approval of Claims & Payroll: Claims check nos. 45123 - 45199 for a total of \$128,545.20 and Payroll checks nos. 55854 - 56009 for a total of \$136,127.32.

Councilman Schmid requested Item M-2 be removed from the Consent Agenda to get a clearer explanation.

Mayor Jones read the Consent Agenda.

Councilman Schmidt moved approval of the Consent Agenda as amended. Councilman Kobes seconded. By voice vote, motion carried unanimously.

J. Public Hearings

K. New Business

L. Old Business

M. Resolutions

1. ~~Resolution Adopting the Hearing Examiner's Recommendation of Approval for the Preliminary Plat of Orchard View Estates~~ Postponed to May 10, 2005

Mayor Jones moved to Resolution M-2.

2. Resolution Authorizing the Mayor To Sign an Agreement To Rent Back Wixson Park Irrigation Water to the Naches-Selah Irrigation District

Public Works Director Joe Henne stated the City owns water rights for Wixson Park, but does not have a delivery system to the Park. He stated the Naches-Selah Irrigation District contacted Public Works, and will reimburse the City the assessment of approximately \$300 per year for water usage.

Councilman Schmid stated he is cautious about the loss of water rights, and he's glad to have the specific language stating the City in no way is giving up those rights.

Councilman Schmid moved and Councilman McNew seconded to adopt the Resolution Authorizing the Mayor To Sign an Agreement To Rent Back Wixson Park Irrigation Water to the Naches-Selah Irrigation District. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

3. Resolution Authorizing the Mayor To Sign two 2005 Funding Applications for New Well No. 8, Speyers Road

The Public Works Director stated he does not have these applications complete, but that he brought this item now in advance of the May 10 Council Meeting. He stated his intention to apply for \$1.5 million for the Well No. 8 Project. He noted there are two applications available, one is the Public Works Trust Fund (PWTF) and the other is the Drinking Water State Revolving Fund (DWSRF), and the project consists of constructing a well, pump, pump house and transmission main beginning at 12th Street west along Speyers Road approximately 4,000 feet to the City property. He stated the City will seek permission from the Water Conservancy Board to split the water rights of Well No. 7 for the proposed new well. He stated the loan amount is for \$1.5 million with either a 5% match with a 2% interest rated loan for the PWTF or a 1% loan fee and a 1.5% interest rate for the DWSRF. He stated there is no guarantee we'd get either one, and we would not know if Selah was selected until August then it would go before the Legislature for funding next year.

Councilman Schmid asked how long it would be before we would have to use these funds if we were awarded them. Mr. Henne responded the State Revolving Fund monies must be used within two years and the Public Works Trust Fund within five.

The Public Works Director stated the City would ask permission of the Water Conservancy Board to drill this well into the same aquifer as Well 7 is out of now. He stated at that time we'd need to decide how to best allocate the water. Well 8 in Zone 3 gravity feed into Zone 2 and eliminate pumping out of Zone 1 into Zone 3.

Councilman Kobes stated this appears to have lots of potential benefit and should provide a long-term solution.

Mayor Jones noted the time is right regarding Public Works Trust Funds.

Councilman Schmidt moved and Councilman Larson seconded to adopt the Resolution Authorizing the Mayor To Sign two 2005 Funding Applications for New Well No. 8, Speyers Road. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

4. Resolution Authorizing the Mayor To Sign an Authorization for Huibregtse, Louman Associates, Inc. and their Sub-consultant Brockway•Opfer•Raab Architecture, P.L.L.C. to Perform Professional Design, Architectural and Civil Engineering Services on the New Public Works Shop on Speyers Road

Public Works Director Henne stated Public Works is eager to proceed with the design on the new Public Works facility on Speyers Road. He noted this contract is for \$220,000 and cover on-site architectural design, geological exploration and construction phase of the project. At that point they will move forward with the bidding process.

Councilman Schmid moved and Councilman McNew seconded to adopt the Resolution Authorizing the Mayor To Sign an Authorization for Huibregtse, Louman Associates, Inc. and their Sub-consultant Brockway•Opfer•Raab Architecture, P.L.L.C. to Perform Professional Design, Architectural and Civil

Engineering Services on the New Public Works Shop on Speyers Road. Roll was called. Councilman Smeback – yes; Councilman Schmid – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

- * 5. Resolution Authorizing the Mayor To Sign a WSDOT Government Agreement for Aid – Work by the State- for Land Acquisition, Relocation and Related Services for the Right-Of-Way Portion of the Crusher Canyon Road Improvements
- * 6. Resolution Authorizing the Mayor To Sign Consultant Supplemental Agreement No. 1 for Crusher Canyon Road Improvements

Councilman Schmid asked why Item M-7 was removed from the Agenda. City Supervisor Sweet stated that was pulled because Selah received funding from WSDOT which includes that project. He noted Mayor Jones will give more details on that later in the meeting

N. Ordinances

- 1. ~~Ordinance Vacating a Portion of Terry Lane, South of Apple Way, Petitioned by Dain Paulson and DP Land~~ Postponed to May 10, 2005

O. Communications

- 1. Oral

Susan Maza 14,000 Marble Road, Yakima, addressed the Council. She stated what the City of Selah does with Proposition 1 money affects the rest of the Yakima County. She suggested that if Selah does not need the money, they should let someone else have it or do some preventative services. She said she believes the voters knew exactly what they were voting on. She suggested Selah look at what the law is.

Mayor Jones stated the City of Selah has been very fiscally responsible and has handled things on its own. He stated Selah hired a full-time officer and with the remaining funds purchased traffic and safety devices. He asked Police Chief Rick Gutierrez if he is satisfied with the way the City used that money.

Chief Gutierrez responded that he is glad the City hired a new officer, and while there were other things he'd like to have done, there's always next year to look at.

City Supervisor Frank Sweet noted Ms. Maza was honored by Sheriff Irwin this morning for her help in passing Proposition 1.

Mayor Jones stated it is the policy of the City not to hire with soft money. He stressed Selah spent the money in a prudent way to meet the needs of the City of Selah. Praising the Council, he stated Selah is not going to be a bureaucracy spending money just so we can look good.

City Attorney Bob Noe stated the title of the ballot and the explanations make it clear that the County represented they would spend 100% on criminal justice, but the cities are not constrained to do that. He stated the definitions of "public safety" are unclear. He stated even those cities who passed resolutions did not all dedicate 100% to criminal justice.

Ms. Maza stated the way Senator Deccio got the law passed was to demand at least $\frac{1}{3}$ go for law enforcement and criminal justice services. She stated the County asked the cities to be involved so they would all use the same verbiage.

The City Attorney stated the state law authorizes a County to forward a proposition, but that proposition mirrors the state law. The cities have discretion beyond the $\frac{1}{3}$ requirement.

Councilman Schmid stated the County has different concerns than the City of Selah; they have not kept up. He stated County information cited public safety, law enforcement and criminal justice. He noted the County never truly got a buy-off from the cities. He noted the County cannot come into Selah and tell us how to spend the money. He suggested "certain people" misled the voters.

Mayor Jones stated since Initiative 695 passed, the Sheriff's Dept has lost ten officers, and now they will hire fourteen new (ten replacing those previously lost). He stated Selah has not laid anybody off, in fact has hired additional staff and has equipped them well. He stated Selah resents the County's telling us how to spend our money.

Ms. Maza stated we are all a part of the County, and we all should be concerned about the stigma of crime. She suggested Selah could have an officer serve as part of the US Department of Justice cooperative task force. Chief Gutierrez stated the City does not participate in that because they would have to take an officer off the street for two or three years and be reimbursed for that position.

Mayor Jones stated he told Sheriff Irwin that if it included a sunset clause, we would not participate. He stated if the Sheriff's Department does not show success as a result of this proposition, it will not pass next time around, and that's not going to be because Selah didn't spend all of its money the way the County wanted. He stressed the pro-active nature of the City.

Ms. Maza stated she did not attend the meeting because she won an award. She suggested, "Don't look a gift horse in the mouth and then shoot it" adding Selah has to look at what other cities have done. Councilman Kobes stated one of the best uses for the money might be to fund the Teen Center. Ms Maza recommended Port Angeles and other towns' programs.

Councilman Harris stated the law states $\frac{1}{3}$ of the money must go to criminal justice. The City of Selah has given 70% of this money to hire a new officer. He noted he hates to see the Mayor Jones take heat over this issue.

Ms. Maza stated state law set up a basic outline and counties could go from there. She implied Selah was a City that did not respond when the County asked for input.

Councilman Harris stated when Sheriff Irwin and Prosecutor Zirkle were here they said what they wanted, but this Council told them there was no way the County could require the City's money to go for criminal justice.

City Supervisor Frank Sweet stated the Sheriff and County Prosecutor can't hold it against the Mayor and Council if they themselves misrepresented what the ballot issue said. He stated Councilman Schmid and others clearly predicted problems with this ballot issue and never agreed to support the Sheriff and County Prosecutor's position.

Mayor Jones suggested the County and cities take care of their own jurisdictions and go out and make a difference. He stated crime is running rampant in this area, so someone must be doing some thing wrong. He said he'll stand by the decisions made by this City, where almost 600 children are out playing sports every weekend.

Councilman Harris asked the Chief of Police where Selah ranks in comparison to comparable cities in the state.

Chief Gutierrez stated Selah is about fifth in the state, but very low in comparison to others in the County.

Mayor Jones said he appreciates Ms Maza's concern.

Ms. Maza stated crime concerns all of us.

Mayor Jones said he takes exception to other's telling Selah how to spend its money.

Ms. Maza suggested Selah might take a look at the Western Regional Institute for Community Oriented Public Safety to come in to do an assessment the police department's relationship to the Council and schools might be worthwhile. Mayor Jones responded that he and Council Members are accessible to the community.

Councilman Schmid stated either Ms. Maza doesn't know anything about this community or doesn't understand it. He suggested she should have found out what we do and the level of pride in this community prior to coming to the council with her suggestions. He stated she has recommended outside people and plans to help without knowing if we need help or not. He noted graffiti is not found here because we handle things locally. He stated we'd love to teach other communities how to have pride. He noted not one person has come before this Council to tell us that we are not running this City right. He asked her to look around and note that not one person is in the audience to complain about this issue. He stated the people who are criticizing Selah are not from Selah.

Mayor Jones stated he has the last word. He stated we constantly hear "less government" and don't want to build a bureaucracy. "We are out in the community, and we know what's going on." He and Council Members thanked Ms. Maza for coming.

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental
 - a. Police Department Report – March 2005
 - b. Wastewater Treatment Quarterly Report – 1st Quarter 2005

Mayor Jones announced the City of Selah received \$7.3 million from WSDOT to do the truck bypass from north Wenas Avenue down to Valleyview. He praised the work of representatives Skinner and Clements and Senator Deccio for their hard work on securing this funding.

City Supervisor Frank Sweet stated this funding will cover 4 areas: South Wenas Avenue and East 5th Avenue improvement to redirect truck traffic to Treetop and around Red Apple, including a light at Naches and Wenas, goes to East Fremont improvements. It also includes a pedestrian underpass to the City's property on North Wenas, a traffic signal and reconstruction of Railroad Avenue for truck traffic. He stated it allows a total of \$7.3 million to accomplish a complete by-pass for truck traffic outside of the downtown area. He noted the pedestrian passage is huge for foot traffic to get from Carlon Park to the new Fitness Center and the other near-by improvements. He praised our state congressional team, the Mayor, Public Works Director and City engineers.

Councilman Schmid encouraged Council Members to personally thank Mary, Jim and Alex for securing this DOT funding.

City Supervisor Frank Sweet responded to a question from Councilman Schmidt noting the round-about will connect Northpark Drive.

Councilman Smeback reminded Council Members of the public forum tonight at 7:00pm on Selah Parks and Recreation youth parks.

Councilman Harris stated the DOT funding is awesome news for Selah.

Councilman Schmid praised the Youth Sports activities, complimenting Bill Harris comments on the radio this morning has done a great job. He reminded Council Members to say thank you.

Councilman McNew congratulated the group on the allocation of funding. He stated Bob Jones and Frank Sweet have done a tremendous job in representing this community.

Mayor Jones announced New Vision is having a banquet May 4 and tickets are \$70 each. Council Members are to let him know if they'd like tickets. He reported having attended an EMS meeting today in their new offices at Glenwood Square. He state EMS has made several innovative moves including a system of testing using power point. He noted Community Days are coming up, and Community Service workers are helping clean up.

Councilman Smeback noted there's trash on the overpass leaving Selah, toys, etc. The Public Works Director stated he will have his crew sweep.

Mayor Jones noted the streets will not be re-striped nor will apples be painted at intersections for Community Days since the streets will be ground up a few days after the celebration.

Parks & Recreation Director Jeff Hagler announced the Selah School Board gave approval for skateboard park to be next to the teen center. He reported if was a great meeting with WSU students on North Park, and he will set up a study session to present those recommendations.

Police Chief Rick Gutierrez reported Officer Jerald Smith has nine more weeks to go in the Police Academy. He noted Officer Smith wants to go back for more training after he has completed the Academy.

Clerk/Treasurer Dale Novobielski reported first quarter revenues and expenditures are on target.

Public Works Director Joe Henne handed out brochures on the 1st Street grind and overlay. He stated they will begin grinding the week after Memorial Day. He passed around pictures of damage to the Lookout Point Reservoir from winds Saturday, noting the paper said winds were up to 60 MPH.

Community Planner Dennis Davison reported he is still pressing on the Hearing Examiner to finish his report on Orchard Estates. He noted the Hearing Examiner has set May 12 for SEPA appeal on the Johnson property.

Mayor Jones reported he has been talking with Carl Torkelson about piping the swale on South 4th.

Deputy Fire Chief Gary Hanna reported about 300 students went through the Edith House the first three days of last week. He stated they will host 4-5 tours next week.

Q. Executive Session

R. Adjournment

Council Member Schmid moved and Council Member McNew seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 5:19pm.

Robert L. Jones, Mayor

Gerald Kobes, Council Member

Keith Larson, Council Member

Peter McNew, Council Member

Brian Harris, Council Member

Herb Schmidt, Council Member

Scott Smeback, Council Member

Allen Schmid, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer